

BADIAK & WILL, LLP  
Attorneys for Plaintiff  
106 Third Street  
Mineola, New York 11501-4404  
(516) 877-2225  
Our Ref.: 07-E-003-RB

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
STELFER STEEL PIPE, LLC,

**07 CV 7123 (NRB)**

Plaintiffs,

**AMENDED COMPLAINT**

-against-

M/V "POLAR QUEEN" and "ALKALI", their engines,  
boilers, etc.,

-and-

SM CHINA COMPANY, LIMITED,

Defendants.

-----X

Plaintiff, STELFER STEEL PIPE, LLC, by its attorneys BADIAK & WILL, LLP,  
complains of the defendant, SM CHINA COMPANY, LIMITED, upon information and  
belief as follows:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h)  
of the Federal Rules of Civil Procedure.

2. Plaintiff, STELFER, was and still is a corporation duly organized and  
existing under and by virtue of the laws of one of the United States of America with an  
office and place of business located at 12 Main Street, Norfolk, Connecticut 06851.

3. Defendant, SM CHINA COMPANY, LIMITED, was and still is a  
corporation duly organized and existing under and by virtue of the laws of a foreign

nation with an office and place of business located at c/o Norton Lilly International, Maersk Sealand Terminal Building, 5800 McLester Street, Berth 88, Central Building, 3<sup>rd</sup> Floor, Elizabeth, New Jersey 07207.

4. At and during the times hereinafter mentioned, defendant, SM CHINA, was and still is engaged in the business as a common carrier of merchandise by water for hire and owned, operated, managed, chartered and/or otherwise controlled the vessels M/V "POLAR QUEEN" and "ALKALI" and was a bailee of cargo.

5. All conditions precedent required of plaintiff and its predecessors in interest have been performed.

6. That on or about July 12, 2006 and July 6, 2006, at the port of Tianjin, China, there was shipped steel pipes on board the defendant's vessels "POLAR QUEEN" and "ALKALI".

7. Said shipments were delivered to defendants and the aforementioned vessels, as common carriers, then being in good order and condition, and defendants accepted said shipments so shipped and delivered to them and in consideration of certain agreed freight charges thereupon paid or agreed to be paid, agreed to transport and carry said shipments to Los Angeles and Houston and there deliver same in line good order and condition as when shipped.

8. Said vessels arrived at Los Angeles and Houston where defendants failed to make delivery of said shipments in the same good order as when received, but, on the contrary, seriously damaged in violation of defendant's and said vessels' obligations and duties as common carriers of merchandise by water for hire and bailees of cargo.

9. By reason of said premises, plaintiff has sustained damages in the amount of \$25,000.00, no part of which has been paid although duly demanded of defendants.

**WHEREFORE**, Plaintiff prays:

1. That process in due form of law may issue according to the practice of this Court.

2. That if defendants cannot be found within this District, that all their property within this District, as shall be described in an addendum hereto, be attached in the amount of set forth in this Complaint.

3. That process in due form of law according to the practice of this Court in causes of admiralty and maritime claims may issue against the aforesaid vessel.

4. That judgment be entered in favor of plaintiff against the defendants for the amount of plaintiff's damages, together with interest and costs.

DATED: Mineola, New York  
August 14, 2007

Yours, etc.,

BADIAK & WILL, LLP  
Attorneys for Plaintiff  
106 Third Street  
Mineola, New York 11501-4404  
(516) 877-2225  
Our Ref.: 07-E-003-RB

By: \_\_\_\_\_

ROMAN BADIAK (RB-1130)

TO: SM CHINA COMPANY, LIMITED  
c/o Norton Lilly International  
Maersk Sealand Terminal Building  
5800 McLester Street, Berth 88  
Central Building, 3<sup>rd</sup> Floor  
Elizabeth, New Jersey 07207

07 CV 7123 (NRB)

**AFFIDAVIT OF SERVICE**


STATE OF NEW YORK )  
 )SS.:  
COUNTY OF NASSAU )

**I, Luz M. Webb**, being duly sworn, deposes and says:

I am not a party to the within action, am over 18 years of age and reside c/o Badiak & Will, LLP, 106 3<sup>rd</sup> Street, Mineola, New York 11501-4404. On August 14, 2007, I served the within AMENDED SUMMONS AND COMPLAINT on:

SM CHINA COMPANY, LIMITED  
c/o Norton Lilly International  
Maersk Sealand Terminal Building  
5800 McLester Street, Berth 88  
Central Building, 3<sup>rd</sup> Floor  
Elizabeth, New Jersey 07207

By depositing a true copy thereof enclosed in a post-paid wrapper in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

  
LUZ M. WEBB

Sworn to before me this  
14<sup>th</sup> Day of August, 2007

  
NOTARY PUBLIC

ROMAN BADIAK  
Notary Public, State of New York  
No. 4769729  
Qualified in Nassau County  
Commission Expires May 31, 2010